

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0230

### HOUSE ENGROSSED NO. **SB 12** - 02/17/2005

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to authorize a parent to appear telephonically for a hearing  
2 to voluntarily terminate parental rights.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-5A-14 be amended to read as follows:

5 25-5A-14. The personal presence of one parent at the hearing is required for jurisdictional  
6 purposes. However, ~~any~~ for good cause shown, and upon notice to any other person or  
7 authorized agency whose consent is required pursuant to § 25-5A-6, the court may permit a  
8 parent to appear telephonically if the parent is incarcerated, the parent appears telephonically  
9 in the physical presence of a law enforcement or correctional officer designated by the court to  
10 monitor the parent's appearance, and the parental rights of the other parent have been terminated  
11 or the other parent is deceased. Any other person whose consent is necessary; may appear by  
12 filing with the court a power of attorney. If the Department of Social Services or a licensed child  
13 placement agency has custody of a child by written agreement of a parent with power of attorney  
14 to consent, the secretary or an authorized agent may appear and consent. Notwithstanding the  
15 foregoing provisions of this section, due regard shall be given to the Indian Child Welfare Act



1 (25 U.S.C. 1901 to 1963, inclusive,) as in effect on January 1, 2005, if applicable.